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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,437	11/21/2001	Mamiko Sugimoto	DP-820 US	1606
21254	7590	05/16/2005	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			HOLTON, STEVEN E	
			ART UNIT	PAPER NUMBER
			2673	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/989,437

Applicant(s)

SUGIMOTO ET AL.

Examiner

Steven E. Holton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**


- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/01,01/04,12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### ***Drawings***

1. Figure 13 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "Lock button" as referred to in claims 3 and 29 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional



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replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: the use of the same reference numeral for two different objects when describing Figure 3. Specifically on page 18, lines 9-16, the specification lists "storage units 11, 12, and 13 control a sheet 11, a group 12, and a segment 13". The references of storage units, sheets, groups, segments, and elements having similar numbers in the same figure continues. The examiner assumes that a storage unit is meant to refer to a generic file type, and the generic file type can be used as a sheet, group, segment or element. However, this is not readily apparent when studying the figures and specification.

Appropriate correction is required.

4. The disclosure is objected to because of the following informalities: the specification fails to disclose and discuss the term 'sequence numbers' as used in claims 2, 7, and 10. The only mention of the term is used in the summary of the invention and no further details are provided about the meaning of the term.

Appropriate correction is required.

***Claim Objections***

5. Claim 2, 7, and 10 are objected to because of the following informalities: the term 'said input field' lacks antecedent basis in the claim, but is understandable in light of the specification; the phrase 'segment labels are assigned to the segments according to sequence numbers beforehand specified to the respective segments' is poorly written. The examiner assumes that the claims were meant to address the teachings of the specification on page 22, lines 6 – 17, which deal with attaching segment labels depending on the group containing the segments. The examiner will treat these claims as meaning segments of input fields will have segment labels applied to them in a predetermined sequence based on the input field associated with the segments. Appropriate correction is required.

6. Claims 4-6, 8, 11-14, and, 16 are objected to because of the following informalities: in the preamble of the claim the phrase 'with one of claim #'. The phrase specifies a single claim reference, but the term 'one of' suggests that there should be multiple references. The examiner recommends removing the words 'one of' from the claims to correct this problem. Appropriate correction is required.

7. Claims 5-6, 8, 20, 21, and 23 are objected to because of the following informalities: claims 5 and 6 are duplicates of claim 4; claims 20 and 21 are duplicates of claim 19. Claim 8 is identical to the other claims with the exception

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of being dependent on claim 4 rather than claim 1. Thus claim 8 fails to further limit claim 4. Claim 23 is dependent on claim 8 and is substantially similar to claim 19. The examiner recommends withdrawing claims 5, 6, and 8 and the dependent claims 20, 21, and 23 from consideration, because of the similarities of these claims with claims 4 and 19. Appropriate correction is required.

8. Claim 15 is objected to because of the following informalities: claim 15 is a duplicate of claim 14, with the exception of the lack of the preamble phrase 'one of claim 11'. Similar as the case with claims 4-6 and 8 being similar, the examiner recommends withdrawing claim 15 because of the similarity with claim 14. Appropriate correction is required.

9. Claim 29 is objected to because of the following informalities: claim 29 is shown to be dependent on claim 27. However, claim 27 is associated with an 'application method for supporting a medical treatment system'; whereas, claim 29 is associated with a 'medical treatment support system'. Therefore, the examiner assumes that claim 29 was meant to be dependent on claim 28, which also deals with a medical treatment support system, and the examiner treats claim 29 as such. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 3, 7, 16-18, 22, 28, and 29 are rejected under 35

U.S.C. 102(b) as being anticipated by Montlick (USPN: 5561446).

Regarding claims 1 and 28, Montlick teaches, a medical treatment support system comprising and an associated method of operation, the system comprising: an input/display device (Fig. 1, element 12) including input means and display means and receiving hand writing inputs (see Fig. 3), a storage (Fig. 1, elements 19 and 20) for storing substantially all medical data (col. 4, line 66- col. 5 line 2), a communication device (Fig. 1, elements 26a-d); and a controller (Fig. 1, element 10).

Regarding claims 3 and 29, Montlick teaches, a medical treatment support system and associated method of operation, "wherein the storage is substantially all stored after depression of Lock button or an operation to explicitly close a medical report (col. 8, lines 1-9)."

Regarding claims 2 and 7, Montlick teaches, a medical treatment system where when the segments (Fig. 3, segments labeled 'Vital Signs', 'Eyes', 'Ears' and 'Other') of an input field are displayed (Fig. 3, element, element 50), the

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segments have labels assigned in a previously specified sequence. The examiner notes that many of the input fields are pre-made forms from the central controller, thus the segment labels are assigned based on predetermined sequences.

Regarding claims 16, 17, 18, and 22, Montlick teaches, "wherein said input/display device is a pen-tablet device (Fig. 1, element 12)."

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4-6, 8, 19-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montlick in view of Snell et al. (USPN: 5724985), hereinafter Snell.

As discussed above in the objections, claims 4-6 and 8 all pertain to identical limitations of the invention. Therefore, all of the claims are being considered together. Regarding claim 4, as shown in the above 102 rejection, Montlick teaches all of the limitations of claim 1 that are part of claim 4. Further Montlick discloses saving handwriting data as 'x and y screen pixel coordinates (col. 4, line 24)'. However, Montlick does not expressly disclose using character



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recognition to convert the coordinates into text data or storing the coordinates in an array. Snell discloses, "special software programs called text recognition engines are known and have been applied to tablet computers. Such engines allow pen input to be recognized as characters and then manipulated as character data (col. 26, lines 38-42)."

Montlick and Snell are analogous art because both deal with pen-based input systems used to support medical data display and input. At the time of invention, it would have been obvious to one skilled in the art to provide the character recognition software in the Montlick system. The motivation for using a character recognition program is to reduce the amount of misinterpretation of handwritten notes by other viewers of the records caused by sloppy handwriting. Also, even though neither Montlick nor Snell disclose storing the coordinate data in an array, the examiner takes Official Notice that it is a well-known practice in the art of computer science to use an array to store lists of numerical data, such as coordinate data from a touch or pen based input system. The motivation for doing so would be to have an organized set of coordinate data that could be easily accessed and manipulated for use in calculations and other operations of the system. Therefore, it would have been obvious at the time of invention to store coordinate data in an array to produce a tablet input system for medical records that converted handwritten notes into text information to produce a device as specified in claims 4, 5, 6 and 8.

Regarding claims 19-21 and 23, Montlick discloses, "wherein said input-display device is a pen-tablet device (Fig. 1, element 12)."

12. Claim 9, 10, 12, 13, 24, 25, and 27 are rejected under 35 U.S.C. 103(a) as being obvious over Montlick in view of "Flatland: New Dimensions in Office Whiteboards", (CHI'99, Proceedings of the SIGCHI conference on Human factors in computing systems; 1999; pages 346-353), hereinafter Flatland.

Regarding claim 9, Montlick discloses a "medical treatment system, the system comprising an input/display device (Fig. 1, element 12) including input means and display means, a storage (Fig. 1, elements 19 and 20), a communication device (Fig. 1, elements 26a-d); and a controller (Fig. 1, element 10)." However, Montlick does not disclose functions of the application software used on the input devices similar to those specified in the claim. Regarding the limitations of claim 9 beginning, "the seventh operation" and "the eighth operation" Flatland describes a method of resizing objects on the screen when other objects are dragged around the screen (page 4, section titled "Moving Squashing and Flipping") as discussed in the claim limitations. The examiner notes that although Flatland performs the operations on prewritten objects on the screen it would be possible to do this with input fields or boxes as well. This is because of the inherent qualities of the Object Oriented programming language, Java, which was used to create the software described in Flatland. In Java, all graphics objects can be treated as subclasses of a generic superclass. Displayed images, text (input) fields, buttons and labels all possess the same superclass. This allows each subclass to possess the attributes of the superclass. If images could be dragged and squashed based on attributes of the

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superclass such as size and position, this feature could be applied to the common superclass and therefore all buttons, labels, and input fields would also have the same ability. Therefore, at the time of invention it would have been possible for one skilled in the art to modify graphic object functionality to allow graphic objects displayed on the medical record system of Montlick to be moved and resized based on the movement of other items on the screen as taught by Flatland. The motivation for doing so would have been to allow the user to create more work area on the display and to keep separate input fields or documents from overlapping on the display and therefore always be visible to the user.

Regarding claim 10, Montlick discloses a medical treatment system where when the segments (Fig. 3, segments labeled 'Vital Signs', 'Eyes', 'Ears' and 'Other') of an input field are displayed (Fig. 3, element, element 50), the segments have labels assigned in a previously specified sequence. The examiner notes that many of the input fields are pre-made forms from the central controller, thus the segment labels are assigned based on predetermined sequences.

Regarding claims 12 and 13, the examiner takes Official Notice that at the time of invention it was well-known in the art to make data files stored on a network to be unalterable except by users with certain permissions. When a user accessed a file that has been made unalterable, a display item, icon, or message is displayed to the user that the data cannot be changed. Therefore, it would have been obvious to one skilled in the art to allow that medical records not be

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altered because of the need of accurate medical history for patients, and would display information so that a user would recognize when a medical record could not be altered.

Regarding claims 24, 25, and 27, Montlick discloses, "wherein said input/display device is a pen-tablet device (Fig. 1, element 12)."

13. Claims 11, 14, 15, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montlick in view of Flatland as applied to claims 9, 10, 12, 13, 24, 25, and 27 above, and further in view of Snell.

Regarding claim 11, the combination of Montlick discloses saving handwriting data as 'x and y screen pixel coordinates (col. 4, line 24)'. However, Montlick does not expressly disclose using character recognition to convert the coordinates into text data or storing the coordinates in an array. Snell discloses, "special software programs called text recognition engines are known and have been applied to tablet computers. Such engines allow pen input to be recognized as characters and then manipulated as character data (col. 26, lines 38-42)."

Montlick, Flatland, and Snell are analogous art because both deal with pen-based input systems used to support handwritten data display and input. At the time of invention, it would have been obvious to one skilled in the art to provide the character recognition software in the combination Montlick and Flatland system. The motivation for using a character recognition program is to reduce the amount of misinterpretation of handwritten notes by other viewers of

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the records caused by sloppy handwriting. Also, even though neither Montlick, Flatland, nor Snell disclose storing the coordinate data in an array, the examiner takes Official Notice that it is a well-known practice in the art of computer science to use an array to store lists of numerical data, such as coordinate data from a touch or pen based input system. The motivation for doing so would be to have an organized set of coordinate data that could be easily accessed and manipulated for use in calculations and other operations of the system. Therefore, it would have been obvious at the time of invention to store coordinate data in an array to produce a tablet input system for medical records that converted handwritten notes into text information to produce a device as specified in claim 11.

Regarding claims 14 and 15, the examiner takes Official Notice that at the time of invention it was well-known in the art to make data files stored on a network to be unalterable except by users with certain permissions. When a user accessed a file that has been made unalterable, a display item, icon, or message is displayed to the user that the data cannot be changed. Therefore, it would have been obvious to one skilled in the art to allow that medical records not be altered because of the need of accurate medical history for patients, and would display information so that a user would recognize when a medical record could not be altered.

Regarding claim 26, Montlick discloses, "wherein said input/display device is a pen-tablet device (Fig. 1, element 12)."

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The applicant's cited prior art "A Software Architecture Based on Free Strokes for Pen-Based Interaction On Electronic Whiteboards" discusses many similar application methods involving the combination and division of image areas using a handwriting input system that are similar to the methods described as part of claim 9. The examiner also notes that the publication and the application possess a common inventor similar to the used Flatland reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven E. Holton whose telephone number is (703) 305-0519. The examiner can normally be reached on M-F 8:30-5.

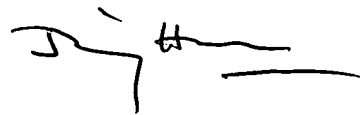
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703) 305-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.E.H.  
February 18, 2005

Steven E. Holton  
Examiner  
Art Unit 2673



JIMMY H. NGUYEN  
PRIMARY EXAMINER